

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**City of Midland
4311 E. Ashman Street
Midland, Michigan 48642**

ATTENTION:

**Scott O'Laughlin
Landfill Superintendent**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring City of Midland (Midland or you) to submit certain information about the facility at 4311 E. Ashman Street, Midland, Michigan. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us within 30 calendar days after you receive this request.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Midland owns and operates an emission source at the Midland, Michigan facility. We are requesting this information to determine whether your emission source is complying with the New Source Performance Standards for Municipal Solid Waste (MSW) Landfills (Landfills NSPS), the National Emission Standards for Hazardous Air Pollutants for MSW Landfills (Landfills NESHAP), and your Title V Permit.

Midland must send all required information to:

Attn: Compliance Tracker, AE-18J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Midland must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment. Appendix C provides additional information regarding the meaning and scope of the term “emissions data.”

This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Midland to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Kenneth Ruffatto at (312) 886-7886 or Vicky Mei at (312) 353-2054.

Date

8/8/18

Edward Nam

Director

Air and Radiation Division

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Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and, at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for “image over text” to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each compact disk or flash drive containing electronic documents submitted in response to our request so that each document can be accurately identified in relation to your response to a specific question. *We recommend the use of electronic file folders organized by question number.* In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*, Standards of Performance for Municipal Solid Waste Landfills at 40 C.F.R. Part 60, Subpart WWW, or the National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills at 40 C.F.R. Part 63, Subpart AAAAA.

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

Midland must submit the following information pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a), for the period of July 2013 to the present, unless another period of time is specified:

City of Midland Landfill (the Landfill)

1. Provide current site map(s) displaying the following information:
 - a. Cell identifiers;
 - b. Gas well locations and identifiers, including header lines and header sizes;
 - c. Active or closed portions; and
 - d. Areas excluded from gas collection.
2. Provide copies of all documents related to the following since the Landfill was built:
 - a. Non-methane organic compounds (NMOC) emission rate report which includes the NMOC emission rate calculated using 40 C.F.R. § 60.754(a)(1) and other calculations, including reports for any Tier 2 or 3 tests that were performed according to 40 C.F.R. § 60.754(a)(3)-(4);
 - b. Gas collection and control system (GCCS) design plan required by 40 C.F.R. § 60.752(b)(2)(i), including the initial plan and all revisions; and
 - c. Performance test for the GCCS, including the initial performance test required under 40 C.F.R. § 60.757(g) and § 60.8, and any additional performance tests conducted for the control devices such as those required by 40 C.F.R. § 60.18 for flares.
3. Provide all studies, calculations, or reports done to demonstrate gas extraction device density including vertical extraction wells, horizontal collectors, migration collectors, and other gas extraction units.
4. In electronic spreadsheet format, provide the monthly quantity (tons) of waste accepted at the Landfill. Include a breakdown by type of waste (i.e., municipal solid waste, construction and demolition, asbestos, sludge, etc.) and specify the Landfill location(s) or cell(s) in which each type of waste was placed, if available. Specifically, include locations, if applicable, of any asbestos and the amount placed.
5. Provide the current capacity of all control (i.e., flare, engines) and mover (i.e., blowers) equipment in terms of standard cubic feet per minute of landfill gas (LFG).
6. Provide copies of all gas sampling performed on the LFG. Your response should include, but not be limited to, sampling done for sulfur content and hazardous air pollutants.

7. Provide a description of leachate and condensate management on-site including storage capacity (gallons) of any leachate. Include in your response monthly quantity (gallons) of leachate and condensate collected.
8. Provide all data and calculations used to determine moisture content in Cells 16 and the part of Cell 15 which was identified as a bioreactor. Also include the amount (gallons) and application location of all liquids added to the Landfill active portion.
9. Provide the following information for each LFG extraction well at the facility:
 - a. Date of installation. For redrills, indicate that the well is a redrill and the purpose for the redrill if available;
 - b. Characteristics (i.e., material used, length of solid pipe, length of perforated pipe, and width of pipe);
 - c. Boring specifics (i.e., fill material and depth of well); and
 - d. All depth-to-bottom and depth-to-water measurements, and whether the well has a pump for leachate/water removal.
10. In electronic spreadsheet format, where applicable, provide all information related to the following types of monitoring activities. For each, include date(s) and description(s) of all monitoring activity including all calibration data on instrumentation and corrective actions taken because of monitoring:
 - a. GCCS wellhead monitoring data including gas quality (methane, carbon dioxide, and oxygen or nitrogen), temperature, and pressure;
 - b. Surface emission monitoring (SEM) data, including but not limited to all methane exceedances, follow-up monitoring from exceedances, corrective actions performed, and any surface monitoring done outside of the required monthly monitoring (including follow-up and corrective actions) from July 2013 to December 2015; and
 - c. Control device monitoring data, including but not limited to temperature or heat sensing data and gas flow rate (provide total gas flow rate and individual flow rates if more than one control device or a bypass is present).
11. Provide all information related to monitoring of gas probes located at the boundary of the Landfill. Include in your response documents related to any measured levels of LFG and any corrective actions taken in response to LFG readings in the probes.
12. Provide copies of all alternative compliance timeline, alternative monitoring, and higher operating value requests submitted to either the Michigan Department of Environmental Quality or EPA, and responses to such requests.
13. Provide a copy or detailed description and reports for any cover integrity programs or plans implemented at the Landfill as required in 40 C.F.R. § 60.755(c)(5), including date(s) and description(s) of all cover inspections, including deficiencies, repairs, and other corrective actions.

14. Provide all documents related to refrigerant removal at the Landfill. This should include the amount and type of refrigerant removed and samples of the certification method used to show that all refrigerants have been removed before landfill disposal.
15. In electronic spreadsheet format, provide a log of all citizen complaints.

City of Midland Gas-to-Energy Plant (the Plant)

16. In electronic spreadsheet format, provide the following information related to each engine located at the gas-to-energy plant, unless already provided:
 - a. Description of any maintenance conducted;
 - b. Monthly hours of operation; and
 - c. Monthly LFG usage.
17. Provide documents related to all emissions tests conducted at the Plant for any reason, including copies of all emissions test reports. Emission testing includes, but is not limited to, compliance testing, engineering testing, stack testing, and testing for general information. Also include all emissions tests that were used to generate emissions factors still in use and tests used to establish current operating limits.

Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the information request as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information Is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show: that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential by page, paragraph and sentence. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, explain with specificity why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as

substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

7. Do you assert that the information is submitted on a voluntary or a mandatory basis? Please explain the reason for your assertion. If you assert that the information is voluntarily submitted information, explain whether and why disclosure of the information would tend to lessen the availability to EPA of similar information in the future.
8. Is there any other information you deem relevant to EPA's determination regarding your claim of business confidentiality?

If you receive a request for a substantiation letter from the EPA, you bear the burden of substantiating your confidentiality claim. Conclusory allegations will be given little or no weight in the determination. In substantiating your CBI claim(s), you must bracket all text so claimed and mark it "CBI." Information so designated will be disclosed by EPA only to the extent allowed by and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If you fail to claim the information as confidential, it may be made available to the public without further notice to you.

Personal Privacy Information

Please segregate any personnel, medical and similar files from your responses and include that information on a separate sheet(s) marked as "Personal Privacy Information." Disclosure of such information to the general public may constitute an invasion of privacy.

CERTIFICATE OF MAILING

I certify that I sent a Request to Provide Information Pursuant to the Clean Air Act by
Certified Mail, Return Receipt Requested, to:

Scott O'Laughlin
City of Midland Landfill
4311 E Ashman St
Midland, Michigan 48642

I also certify that I sent a copy of the Request to Provide Information Pursuant to the
Clean Air Act by E-mail to:

Jenine Camilleri
Enforcement Unit Supervisor
CamilleriJ@michigan.gov

and

Chris Hare
Air Quality Division District Supervisor
harec@michigan.gov

On the 10th day of August 2018.



Kathy Jones, Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7017 0530 0000 6289 1504